

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALZA CORPORATION and
ORTHO-MCNEIL-
PHARMACEUTICALS, INC.,

Plaintiffs,

v.

IMPAX LABORATORIES, INC.
and TEVA PHARMACEUTICALS
USA, INC.

Defendants.

Civil Action No. 11-395-RGA

FINDINGS OF FACT

Upon the consent and request of the parties, the Court hereby makes the following Findings of Fact and issues the following Consent Judgment and Order:

1. Plaintiffs charged Defendants with infringement of U.S. Patent No. 6,930,129 (“the ’129 patent”) based on the filing by Impax of Abbreviated New Drug Application No. 76-535 (the “ANDA”) seeking approval to engage in the commercial manufacture, use, and/or sale of an extended release pharmaceutical drug product containing methylphenidate hydrochloride as described in the ANDA (the “ANDA Product”).
2. Defendants admit that the ’129 patent is valid and enforceable with respect to the ANDA Product, and that the commercial manufacture, use, offer for

sale and/or sale of the ANDA Product within the United States, and/or the importation of such products into the United States, before the expiration of the '129 Patent, other than in accordance with a license or other authorization from Plaintiffs, would infringe such patent. Plaintiffs shall not rely upon or assert such admission as against Defendants in any cause of action, litigation or proceeding in connection with any products other than the ANDA Product.

3. The parties agree that the dismissal of this action shall not be construed as an admission or waiver as to any factual or legal matter by the parties with respect to any products other than the ANDA Product.

4. The parties have entered into a Settlement Agreement resolving the above dispute and consenting to the entry of this Consent Judgment and Order.

CONSENT JUDGMENT AND ORDER

Pursuant to the above findings of fact, and upon the consent and request of the parties,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court has jurisdiction over the parties and the subject matter of this action.

2. This action, including all claims, counterclaims, and affirmative defenses which have been or could have been asserted in this action, is dismissed with prejudice.

3. Each party shall bear its own costs and attorney fees.

Dated: September 14, 2012

/s/ Tiffany Geyer Lydon

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SO ORDERED AND ADJUDGED:

Dated: Sept. 14, 2012


Hon. Richard G. Andrews